

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA**

INDECK KEYSTONE ENERGY LLC,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 04-325 Erie
)	
VICTORY ENERGY OPERATIONS)	Judge Sean J. McLaughlin
LLC,)	
)	
Defendant)	
)	
)	JURY TRIAL DEMANDED
)	

DEFENDANT’S MOTION TO RECONSIDER

Defendant, Victory Energy Operations LLC, (“VEO”) by its respective undersigned counsel, moves this Court to reconsider its order of October 26, 2006, denying VEO’s Motion to Compel Plaintiff Indeck Keystone Energy LLC (“IKE”) to produce the documents in its possession obtained from Christian Power Equipment, Inc. (“CPE”), as well as documents in its possession responsive to VEO’s Document Request No. 12 of Defendant’s First Set of Discovery Requests, and in support thereof, submits Defendants Memorandum of Law In Support of Its Motion to Reconsider.

WHEREFORE, Defendant/Counter-Plaintiff Victory Energy Operations LLC requests that this court enter an order striking its October 26, 2006 ruling denying VEO’s Motion to Compel, and order Plaintiff Indeck Keystone Energy LLC to produce, within 28 days, 1) all documents in its possession from Christian Power Equipment, without any redaction or alteration, 2) all documents in its possession responsive to VEO’s original Document Request No. 12; and 3) all documents demonstrating or relating to any profits IKE earned as a result of sales made to or through the efforts of either Christian Power Equipment or Power Systems, Inc.

VEO further requests that this court extend VEO's deadline to produce an expert report on its damages relating to its counterclaim for tortious interference until 14 days after IKE makes a complete production of the documents requested herein.

Dated: November 2, 2006

Respectfully submitted,

/s/ Christopher T. Sheean

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CERTIFICATE OF SERVICE

Christopher T. Sheean, an attorney, certifies that on the 29th day of September, 2006, he caused a copy of the foregoing ***Defendant's Motion to Compel*** to be filed electronically, and that the CM/ECF system for the court will e-mail a copy of the foregoing to the following counsel of record:

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ENERGY LLC

/s/ Christopher T. Sheean
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